

Tom's Coffee House

Genuine Narrative  
OF THE  
CONSPIRACY,

July 12<sup>th</sup> 1751

Forther, Kane, Alexander, Nickson, &c.  
AGAINST

The Hon. Edward Walpole, Esq.

With an Account of their

TRIAL

Before the Right Hon.

LORD Chief Justice LEE,

In the Court of King's-Bench, Westminster-Hall, July 5<sup>th</sup>. 1751.

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— — — — — for Innocence injured,  
Shall like the Sun, when once the Clouds abscond,  
Shine forth with brighter Lustre.

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L O N D O N.

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A  
*Genuine Narrative*  
OF THE  
**CONSPIRACY**  
AGAINST THE  
*Hon. Edward Walpole Esq;*

AS there is Nothing tends more to the Welfare and Happiness of a Nation, than suppressing Vice and Immorality, and encouraging Virtue and Honesty; so every Occasion should be laid hold of for stripping the former of the artificial Ornaments that serve to hide their Horror and Infamy, and for shewing the Latter in their just and most amiable Light; in Order to which, every proper Method should be used by Argument and otherwise, for obtaining

so good and valuable an End; Nor can this be better done than by transmitting a faithfull Narrative of such Occurrences in our own Times, as may inspire to a Love of Virtue on the one Hand, and an Hatred Vice on the other; and here I humbly think that Nothing can be of greater Advantage than to communicate a late remarkable Trial which happened in *Westminster-Hall*, in which the Honourable *Edward Walpole* Esq; Son to the late Right Honourable *Robert* Earl of *Orford* was Plaintiff, and several Persons whose Names ought not to be mentioned with his, were Defendants, but which we must, for the sake of Perspicuity, recite in the Course of this Representation. But before I proceed, it will be proper to state what happened prior to the Trial, that so the Reader may have the more clear and distinct Idea of the Case; and that I shall do with all the Brevity that Exactness can admit of; and the Nature of the Thing itself can require.

The Honourable Gentleman, Mr. *Walpole*, having been acquainted with *Hamilton*, Lord *Boyle*, an Irish Nobleman, and having



having travelled thro' *France, Germany,* and *Italy*, during which Time he visited the principal Courts of *Europe*, and conceived the highest Opinion of the Nobleman, the Companion of his Travels, and Party in all his Diversions; their Intimacy grew with their Years, and Mr. *Walpole* by his very Interest got that Lord a Seat in the House of Commons, and advanced many of his Friends; yea so much was he taken with Lord *Boyle*, that to use his own Words, "The Certainty of Lord *Boyle's* "regarding any Man, was an ample Recommendation to him." Mr. *Walpole* sometime after going for *Ireland*, in Quality of Secretary to the Duke of *Devonshire*, then Lord Lieutenant of that Kingdom, he saw his *Achates* Lord *Boyle*, who endeavoured to make every Thing agreeable to him, and he still retaining the same good Opinion of his Companion; studied all Opportunities of serving his Friends; and among others, one *Cather*, a Tenant's Son of his Lordship, came over to *England* in the *Dublin* Yacht, with an Intent to serve Mr. *Walpole*; he soon was admitted into

into his House, but at that Time, as all the Places about his Person, and Family were filled up, the Adventurer was obliged to seek out for Business elsewhere, and in the mean Time was frequently coming to Mr. *Walpole's* Lodgings, where he was very generously supplied with the Necessaries of Life, till a Vacancy should fall: All this Time Mr. *Walpole* had little Correspondence with him, nor did he give him any further Encouragement, except permitting his Servants to countenance him; by which Means he fell into one of these Errors, that the most Crafty and Deceitfull cannot avoid with all the Circumspection that Design can suggest, and that Artifice can prompt to: He was one Day in a Tavern with one of Mr. *Walpole's* Servants, and being exceeding gay, and finely dressed in gold-laced Cloaths; from I know not what Motive and Consideration, he enjoined the Man Secrecy, and begged of him above all Things, not to mention the Circumstance of his Dress to his Master; the Man easily agreed, but as the enjoining of Secrecy is the very Way to disclose it, so in this Case,

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the Servant considering the Honour and Interest of his Patron, acquainted him with what he had seen, and what had been enjoined; the Gentleman rightly judging that such Precautions are never used except from Design, wisely gave over to countenance him, or give him either by himself or his Servants, Encouragement, directly or indirectly, to come to his House; this raised his Resentment, and kindled that Anger, which was the Result of his Disappointment, into the most violent Hatred, that in Time burned throughout, and grew into an intense and a deliberate Revenge; notwithstanding for some Time, he was by secret Considerations hindered from perpetrating any Thing against him; whether this Restraint proceeded from Fear, the constant Attendant of a dishonest Heart, and a vicious Inclination, or that his Genius was not adequate to his Keeness, I leave with others to determine; however at last getting acquainted with a number of Adventurers, like himself, among whom *William Smith*, a Presbyterian Parson's Son in *Ireland*, who made his fatal Exit *October 3d. 1750.* a long

long with *James Mc. Lean*, he soon contrived a Scheme for ruining Mr. *Walpole's* Character, and for disencumbring him of his Purse: And that was, by swearing to the Design of committing one of the most atrocious Crimes that a Man can be supposed guilty of; a Crime not only horrid in the Sight of the Law, but contrary to Nature, and an open Violation of every Thing sacred and humane: It seems the Gang, for so I must call them, stood in Need of a little Money; to procure which they fall upon the following villainous, though artful Contrivance; and none other Conditions were required, but Secrecy in the Transaction, and an equal Division of what might be obtained.

The Gang had been informed of Mr. *Walpole's* Character, and he thought themselves of laying Something to his Charge, of which he could not fail to be ashamed, and to smother which, he would not scruple any Expence: Big with the Hopes of Success, they fix upon *Cather* as the proper Person to swear to his laying hold of him, dealing with him, and earnestly soliciting his



his Compliance to the Commission of the horrid, abominable shocking and odious Crime of Sodomy, at one Time, and Burglary at Another; allured with the mighty Prospect of Gain, blind to the fatal Consequences and deaf to the Dictates of Generosity and Conscience, the Creature went to *Hicks-Hall* 26. of March, 1750. and there swore as narrated above; and the Jury going upon the Examination of the Bills, soon found an Indictment against Mr. *Walpole*; which News the Conspirators were not wanting to propagate; for this Purpose they went into two or three Coffee Houses where they propaled the Matter, and laid it down with all the Skill that Design and long Meditation could suggest, or Craft and Artifice could inspire, and that they might reap as soon as sow, they sent for one *Alexander* to whom they Imparted their Scheme.

The Prospect of Gain soon blinded the Eyes of Mr. *Alexander*, who after some Reasoning upon the Matter agreed to the Project; for a thorough Confidence, that the dreadful Name of Burglary and Sodomy,

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would

would quash the Firmness of Innocence itself, had enchanted the Minds of the Conspirators, and soothed them with the fullest Hopes! That very Night, March 26th He wrote a Letter to Mr. *Walpole* narrating *his* Misfortune, lamenting the Stain cast by this Accusation upon his Family, and at the same Time proposing an Expedient for making up the Matter and entirely taking it away; nor must it be forgot that this Lawyer excus'd the Fact, on which the Indictment was founded, from a Consideration of the Frailties of human Nature, and the Propensity that Passions strong, and dandled by frequent Gratification might be apt to prompt One to; every Person may figure to himself, what a Consternation the Gentleman was in? however Coolness got the better of Resentment, while Patience and a Consciousness of Innocence supported him in the Midst of this Calamity; but while he is deliberating on the Matter, another Epistle much in the same Terms, was brought him, and soon after a third; at length Mr *Alexander* himself arrived, when the Conversation turned upon



upon the Subject of the Letters, which Mr. *Walpole* received; the Arguments for compromising the Matter (to use his own Words) were used with all the Art, that Dissimulation or Craft could devise; the Honour of his Family, the Grandeur of his Station were urged, the Frailties of human Nature were mentioned, the Custom of the Romans of old, of the Italians at present were insisted on, the Authority of *Horace* the Lyric Poet, (*Nemo sine Crimine vivit.*) \* was advanced, to palliate the Crime of Sodomy, and to set off the mistaken Notions of these, who judged the Act to be a real and an essential Ill. And when speaking of unlawful Correspondence with the fair Sex, he told him in the broadest Manner, that such Familiarities were Nothing at all? but continued he as I am very willing to do Service to your Honour, I think it your best Way to make Things easy, and I believe that a small Sum of Money would soon stop the Mouth of the Prosecutor, and make him quickly desist; Mr. *Walpole* from this Conversation framed a very just Idea of the Temper and

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Genius

\* Question? In what Part of *Horace* is this Sentence?

Genius of the Man, whose ambiguous Expressions, artful Insinuations, pretended Offers of Service, and a declared Contempt of the Chastity of Women, a Thing held sacred, by Nations who have only the Light of Nature to direct them, and recommended to the Care of the Law, by the sacred Records, After this Conference, Mr *Walpole* whether by Advice of Friends or of himself is but a Circumstance, contrived a Method for finding out this heinous Iniquity, and detecting the impious Friend; and now the Question is, what Instrument to make Use for bringing about the desirable End.

After due Reflection, mature and serious Deliberation, he at last thought of one Mr. *Wisedale*, a Painter at Charing-Cross, who had formerly attended the Play-House in *Dublin*, and who being well acquainted with the Art of acting, was at no Loss to personate a Character: Mr. *Wisedale* deeply affected with the Villainous Contrivance, and touched with a Sense of, and Sympathy with, a Gentleman's Character, torn to Pieces by a detestable Crowd of Paricides



Paricides, undertook the Business; and meeting with a Comrade one Mr. *White*, in *St. James-Park*, he imparted to him the Secret; the last named Gentlemen equally abhorring the Wickedness, easily went into his Scheme. And in order to it, their first Step was to trace out the Place of Rendezvous where the Gang frequently convened; very artfully, and prudently he got himself introduced into their Company, and bringing in the Conversation about what had passed at *Hicks-Hall*, he magnified what Profit might redound to the Prosecutor, how readily Mr. *Walpole* would relish any Proposal of compromising the Matter, and would scruple no Expence, to get rid of so heavy an Impeachment, and an Accusation so foul: By these means they became a little more open; and he taking on him the Name of Counsellor *Johnson*, the Conversation was pursued with but little Reserve; they all seem'd pleas'd with the Counsellor, and *Kane* the original Contriver, was so elevated, that he could not help expressing, how much he was obliged to Fortune for putting

ting so able an Hand as the Counsellor in their Way, for forwarding a Scheme which he boasted, to be (if I may be allowed the Expression) a Child of his own. *Kather* the Executioner, likewise magnified the Goddess, the Attorney Mr. *White*, joined in her Applause, and Things went merrily on: after regaling themselves heartily for some Time, the Company separated, but made an Appointment to meet next night at a Place which for the sake of its present Occupiers I forbear to mention; and as *Kane* was the Youth of the greatest Penetration, he by Consent of his Associates, attended the Counsellor, and crossed the *Thames* from *Southwark* side to *London* with him; while in the Boat, the Counsellor and he talked upon the Subject for his better Information, and Mr. *Kane* thinking that Things went prosperously on, ascended gradually to the Summit of Openness, and clearly disclosed the Whole; upon my Honour says the Counsellor, the Scheme is extreamly well laid, I hope we shall get Money by it, and Nothing in my Power shall be wanting to contribute to your Advantage; then Mr. *Kane*



*Kane* told him that some other Gentlemen had been served the same Way, and that his Contrivances always went well; Counsellor *Johnson* applauded his Ingenuity, and told him that Artifice at Times was necessary: but continued he, did Mr. *Walpole* really attempt the Body of *Kather*, Oh! No answered Mr. *Kane*, he never touched him or came near him; but he wants some Money to put Cloaths upon his Back, and get Thirty or Forty pieces in his Pocket, that so he may make his Appearance (perhaps to delude some Lady of Fortune) and besides he has a Disgust at Mr. *Edward Walpole*, for having brought him from *Ireland* and not employing him in his Service.

But while Counsellor *Johnson* was using his Rhetorick to encourage Mr. *Kane*; Mr. Attorney *White* was busy in prompting Mr. *Kather* and others; for this Purpose he drank some *Porter* with him and two more of his Acquaintances, during which Time he observed a good deal of Reserve but at the second and third Meeting, they spoke a little more openly: however

ever not so very free as to the Counsellor; for the Attorney by I know not what Incident, fell under their Suspicion, which was the Cause of their not discovering the Bent of their Schemes, the End and Purport of their impious Designs.

For next Day meeting with two of them, he was informed that Mr. *Kather* had sworn his Life against him and that he would be quickly taken up, that he had been at Mr *Fieldings* House in *Bow Street Covent-Garden*, for a Warrant of Commitment; but that the Justice had not been at Home; this sudden Shock not a little disturbed the Attorney, who made it his Business to wait on Mr. *Kather*; whom he interrogated before the Company concerning the Oath he had taken against him, and his going to Justice *Fieldings* House: Mr. *Kather* denied the Fact, and in a complaisant Manner declared that He had done no such Thing; for that he Mr. Attorney had never disoblged him either in Word, in Gesture, or in Deed; the Informer being incapable of defending himself, brought off the Matter with a jocular Air, and said that they



they generally swore to Things in order to get some Money: Mr. *Attorney* was pleas'd with the Excuse, and so they proceed to scheme out the Matter to the best Advantage: But in the mean Time wanted to get ridd of him; as they had prepared a more proper Person, *vizt.* Mr. *Nixon*, with whom they had conferred, and who was at *Hicks-Hall* the Day that the Indictment was laid: Having met with him, they informed him how fortunate they were in Counsellor *Johnson*, a Man entirely suited to their Purpose; they brought him to the Place appointed, and after sitting for a while, behold the Counsellor comes in; at this they were not a little overjoyed, as they began to weary for his Arrival; scarce does he appear, when the one says to the other, here! "The Counsellor, we shall do well now" In the mean Time in comes a Bricklayer with some of his Tools about him, and having some Business with Mrs *Kather* and *Kane*, addressed himself, with a Bricklayer's Salutation to them, which scarcely being over,

ver, the Counsellour directly comes in, and was welcomed heartily by 'em; but this Jollity was short lived, for all at once Counsellor *Johnson* without shifting Place, or waiting any Interval of Time, disappears, and Mr. *Wisedale* starts up in his Room; these, says he, to Mr. *Bricklayer*, who in the twinkling of an Eye turned a Constable "Are your Prisoners, in his Majesty's Name I charge you with them;" They were all instantly carried before one of his Majesty's Justices of Peace, who after Examination committed them to safe Custody, untill relieved by due Course of Law; this was the End of Messrs. *Kane* and *Kather*, while Messrs. *Alexander* and *Nixon* were bailed, by proper Security, to compear when called, and to stand Trial before any of his Majesty's Courts, where the Cause might be brought in: The other Accomplices were not indeed seized at that Time, as they were not present; but Justice pursued them; the Fate of *William Smith*, is recent in every Persons Eye, for having made a fruitless Attempt upon Mr.

*Walpole*



*Walpole*, by bringing him a forged Bond, he soon fell into a Crime that brought him to the fatal Tree: *Walter Paterson*, another Member of the Society, was likewise taken up, and upon a quite different Indictment was committed to the House of Correction, out of which, by one of those Artfull Ways, generally used in Time of great Necessity, he made his Escape; and though his Name was advertised, his Person described, and a large Reward offered to any who should bring him to the Keeper of the Prison, yet he got free; for taking the Rout of *Dover*, he went on Board the *Calais* Packet, where he landed before the Advertisement had arrived: The seventh and last of these Conspirators died of Grief, for the unsuccessful Event of the Project, and thro' Fear of being pursued as his other Associates had been; and now instead of each his Dividend of 2000*l.* the Sum they first expected from Mr. *Walpole*, they were reduced to the critical Juncture, when all their Wits were to be put upon the Rack to get a

scrimp Subsistence to those who were lying in Misery, and perishing in Goal. Its needless here to remark that all these Gentlemen were *Irish*; and however involved in the blackest Conspiracy, were yet true to each other, and inviolably kept secret, that which has now come to Light, and must render their Names disagreeable to every generous and honest Breast, who has the least Spark of Goodness, or sensible Feeling of humane Nature.

After they were confined to Prison they came to themselves, and dreading the Consequence of a Trial, they wrote the most penitential Letters to Mr. *Walpole* earnestly begging, he would not carry Things to the Extremity of Law, but that he would drop any Prosecution against them, relieve them from Goal and from Misery, as they acknowledged with Grief and Sorrow, their Guilt, and the false Accusation Sworn to against him: These Letters had not the desired Effect with Regard to them, for the injured Gentleman preferring the Welfare of the Public to the Weakness of Pity  
which



which they vainly imagined themselves capable to raise, he entered an Action against them in the King's Bench in *Westminster-Hall*, where after being twice called, it at last came on and was after a full Hearing, finally determined upon *Friday* the 5th of *July*, 1751. before the Right Honourable the Lord Chief Justice *Lee*. After opening the Cause, Mr. *Walpole*, who with his Brother Mr. *Horatio*, and two other Gentlemen, were sitting on his Lordship's left Hand, gave Evidence as to the Reception of the Letters from Mr. *Alexander*, and the Prisoners Mess. *Kane* and *Kather*, mentioned before, he discovered great Calmness of Temper, protested his Innocence and at the same Time signified his Love to the Gentlemen of *Ireland*, in general, but in particular to the Person of Lord *Boyle*, through whom he had some small Acquaintance with *Kather*, who had Sworn so falsely against him; his Brother Mr. *Horatio* spoke likewise to the great Satisfaction of the Court, and behaved in a Manner suitable to the Height of their Stations

Stations and Dignity of their Birth; Mr. *Wisedale*, alias *Counsellor Johnson*, acted with so much Life, and Spirit the several Parts he had performed during the time of sifting out the iniquous Mystery, as gave no small Diversion to the Court and the Numerous Bystanders, who out of Curiosity crowded the *Hall*; and this was the more acceptable at that Time, as Pity and Compassion, these natural Instincts and essential properties of the humane Heart, had filled them with Horror to think of the Matter of the detestable Scheme, and the jesuitical Methods by which the same was conducted and pursued: Mr. *White* the Attorney likewise behaved well, as did in general all the Witnesses, who were treated by the Council on each Side with all the Encouragement that Justice and good Manners could prompt to, or that the Behaviour of Gentlemen could inspire and promote; nor must it be forgot that the Lord Chief Justice *Lee*, acted with all the Candour, Equity and Indulgence that could be desired of a Judge; he marked down the minutest Circum-



Circumstances of the Evidence, and represented every Fact in its proper Light, gave it the weight that was due, and allowed the Council on each Side to put Him in Mind of any Fact which he had omitted to lay before the Jewry, there seemed no manner of Difficulty to bring in Messrs *Kane, Kather* and *Alexander's*, but *Nixon's* Case was doubtfull, from the Consideration that some People among whom Mr. *Salt* Keeper of the Gate House had sworn to his Honesty while with him, he having served in the Office of Clerk to him for eleven Months about five Years ago; his Council, did all in their Power to make the best of every reasonable Argument that could be thought of, as they judged, and not without Grounds, that One may be employed in the blackest Schemes and yet know nothing of them; nor indeed at first View it is very probable that the Conspirators would have disclosed the Secret of their Intention and Depth of their Design to Persons of Probity, Integrity and Candour; for if Wickedness is always

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fearfull, and affrighted, then tis hardly to  
 be found that the most Obdurate Villain,  
 can for any Time, look a real honest Man in  
 the Face; the Circumstance of not mention-  
 ing his Name at their Meetings for Con-  
 trivance, was likewise strongly insisted on;  
 this indeed may preponderate with some,  
 while that very Circumstance determined  
 others to think he was guilty, since all the  
 Arts Imaginable are used by the Crafty and  
 by Hypocrites, to make themselves appear  
 virtuous and honest Men: But whatever be  
 in this, one thing is certain, that his giving  
 a Guinea at one Time, and collecting Money  
 at several Times for Mr *Paterfon*, when in  
 the House of Correction, were Circum-  
 stances that tended to give the Court an ill  
 Opinion of him, and as it was particularly  
 observed by his Lordship, who closed his  
 Discourse to them with it, Probability it-  
 self speaks that this Transaction determined  
 the Jewry to bring in their Verdict, finding  
 the whole equally Guilty: As soon as the  
 Verdict was returned, which was in two  
 Minutes, without going out of Court, the  
*Typstaff*



*Trystaff* was called for, and ordered to take Care of the Prisoners; Mr. *Alexander* was Present, having been surrendered by his Bail; but Mr. *Nixon* had removed, the former is confined to the Prison of the Kings Bench; where he is to remain till next Term, when Sentence will be pronounced upon him.

During the Course of the Trial, Mr. *Alexander* behaved with a Confidence not consistent with Prudence, or even with the Conduct of the Wise, in his situation; he frequently endeavoured to confound the Evidence, broke in upon the pleading of the Council, and, even interrupted the Justice in his Representation; yea he even went so far as to present a Paper to Mr. *Walpole*, of which he declared himself ignorant; so that notwithstanding he urged, Mr. *Walpole* refus'd. Mr. *Nixon* walked to a fire bare Headed, thro' *Westminster-Hall*, and discovered an uncommon Concern for his Fate; like a Person of an avitiated Brain; he seemed upon the Wing, always going or sending into Court, to know what might

be the Event; thus he continued till the Time that the Crier of the Court called for a Typstaff, and then he directly retired toward *Old Palace-Yard*, and has never since been heard of.

What the particular Punishment of so deep a Plot and so dangerous a Conspiracy will be, is more than I can determine; nor did I ever speak to any about that particular Point, 'tis my humble Opinion that the Law is as silent about it as the Crime is rare; and was I worthy to give my Sentiment upon the Matter; I should be of the same Opinion that *Cæsar* gave to the Senate of *Rome*, when speaking upon the Conspiracy of *Cataline*, *Lentulus*, and some others, who had violated the Engagemens to their Country, and broke thro' the most sacred Ties: It was the Judgment of this great Man, that the punishing of them would be doing them too great Service, in so far as it would render them the Objects of the Peoples Compassion, whereas at present they were the very Mark at which they darted the Arrows of their Resentment, while  
their



their Crime drew after it an universal Hatred, Abhorrence and Detestation; Suppose says he that a Criminal should go to be hanged, the Populace will not be so much struck with his Crime, as touched with his Sufferings; and as the Conspiracy against Mr. *Walpole* was even as dangerous as that of *Cataline* against the Senate of *Rome*, yea and more, since if in this they had succeeded, 'tis not known how far they might have carried their detestable Project; better for the City of *Rome* to be deprived of her Senate, than for the *British* Isle to have her Parliament composed of Members, who could be guilty of Crimes, for which Eire was of old showred down from Heaven, which in Time must render us a Bye Word, and Proverb among the Nations, odious in the Sight of God, and shocking to human Nature! and as their Crime is not within the Law, I must give my Opinion for sparing of their Lives, and continuing them the Abhorrence of their Country, which their Sufferings might in a great Measure remove. But if in Opposition to the Sentiments

ments of the generous and illustrious *Cæsar*  
 the rigid Sentence of *Cato* be preferred.  
 'Tis the Duty of every *Briton* to yield to  
 the Decision of the Nation, since Authority  
 must, for the Good of the Publick,  
 subsist in any Events.

